

PEARSON, MJ

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

LISA K. KOVACIC,	)	
	)	CASE NO. 1:09CV147
	)	
Plaintiff,	)	
	)	
	)	
v.	)	MAGISTRATE JUDGE PEARSON
	)	
MICHAEL J. ASTRUE,	)	
Commissioner of Social Security,	)	
	)	
Defendant.	)	<b><u>MEMORANDUM OPINION</u></b>
	)	<b><u>AND ORDER</u></b>

**Introduction**

This matter is before the Court on a Joint Stipulation For Award of Attorney Fees filed by the parties, pursuant to the Equal Access to Justice Act ("EAJA"), [28 U.S.C. § 2412](#). [ECF No. 20](#).

**Background**

Plaintiff Lisa K. Kovacic, filed a complaint on January 22, 2009 seeking judicial review of the Social Security Administration's denial of benefits. Michael Astrue, the Commissioner of the Social Security Administration, answered on April 22, 2009. Subsequently, on May 22, 2009, Plaintiff filed a Motion for Summary Judgment. *See* [ECF No. 14](#). In advance of the filing of the Commissioner's Response or Brief on the Merits, the parties filed a Joint Stipulation to Remand. *See* [ECF Nos. 17](#).

On August 20, 2009, the undersigned entered a Memorandum of Opinion and Order.

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[ECF No. 18](#). In the Order the undersigned, reversed the Administration's final decision denying Social Security Disability Insurance Benefits to Plaintiff Lisa K. Kovacic and remanded the matter, pursuant to the fourth sentence of Section 205(g) of the Social Security Act, 42 [U.S.C. § 405\(g\)](#), for further development of the record, a new hearing and the issuance of a *de novo* decision. The Appeals Council was ordered to provide the following instructions to the Administrative Law Judge ("ALJ"):

The ALJ should reweigh the opinions of Plaintiff's treating physicians, including but not limited to Dr. Masters, in accordance with Social Security Ruling 96-2p. The ALJ should also reconsider his [or her] step four finding and, if warranted, call upon a vocational expert to determine whether Plaintiff could perform a significant number of jobs in the national economy.

See Joint Stipulation to Remand, [ECF No. 17 at 1](#). Additionally, Plaintiff's Motion for Summary Judgment was denied as moot in light of the Court's ruling precipitated by the Joint Stipulation to Remand.

On September 21, 2009, for the reasons set forth in the Memorandum of Opinion and Order ([ECF No. 18](#)), the undersigned entered a Judgment Entry reversing and remanding the matter. [ECF No. 19](#).

On September 29, 2009, the parties filed a Joint Stipulation For Award of Attorney Fees. [ECF No. 20](#). The parties stipulate to an award of attorney fees in the amount of \$5600.00, under the Equal Access to Justice Act ("EAJA"), [28 U.S.C. § 2412](#) and, "[t]he award of attorney fees will fully satisfy any and all Plaintiff's claims for fees, costs, and expenses under [28 U.S.C. § 2412](#), that may be payable in this case." [ECF No. 20 at 1](#). In addition, "[p]ursuant to the assignment of fees from Plaintiff to her attorney, the parties stipulate that the award of fees under

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EAJA shall be made payable directly to Plaintiff's counsel." [ECF No. 20 at 1-2](#).

**Ruling**

The undersigned GRANTS the parties' Joint Stipulation For Award of Attorney Fees, and Plaintiff is awarded a total amount of \$5600.00.

IT IS SO ORDERED.

September 30, 2009  
Date

/s/ Benita Y. Pearson  
United States Magistrate Judge